

**Town of Nolensville  
Planning Commission Meeting  
Regular Meeting  
March 9, 2006  
7:00 P.M.  
At Nolensville Elementary School**

Members in attendance were as follows: Matt Happel, Jimmy Alexander, Larry Gardner, Frank Wilson, John Boyd, Willis Wells, Tommy Dugger, and Bob Haines. Rick Fisher was absent.  
Staff present was Henry Laird, Richard Woodroof, Bob Notestine, Tonia Smith, and Angela Douglas.

**Agenda Item I-**                      Meeting called to order by Willis Wells

**Agenda Item II-**                      Pledge of Allegiance

**Agenda Item III-**                      Approval of Minutes

Matt Happel made a motion to approve the minutes. Jimmy Alexander seconded the motion; motion approved unanimously.

**Agenda Item IV-**                      Citizen Comments

Larry Felts states that it seems all the board and BOMA have heard at all of our meetings has to do with the growth of the town. He said he was not sure what the answer was to correct the problem or what he was about to ask would make things any better. He asked that the board consider removing PUD's from the ordinance. Having said that, he also posed a question to the audience. He asked the audience "how much do you really know about the work that this board has put into our zoning regs?" Each of these people is here because they want to be. They could be sitting out here with you tonight listening to this or they could be at home enjoying their families, watching TV, doing what they wanted to do. Each of these people, like the BOMA, are people that live here, and the decisions they make not only affect you, but affect themselves. We live here, and they are here because they love the town. PUDS, as written in the regs, give the board a lot of control. He states that he has sat on the Planning Commission and was part of it in the very beginning. He helped write a lot of the regs; was over developers/projects and how they would look. If the developer doesn't like what they have gotten, the developer can take it somewhere else. The board doesn't have to approve it. With your standard subdivisions all we have heard is "yes, we've got half acre lots". If you get them, you have houses further apart and maybe less traffic, but both are bound by 1.8 units per acre. He asked the audience "how many here tonight know the standard subdivisions?" All he has to do is meet the standard regs and the board is bound by them. There is no negotiation room like there is with a PUD. There are some scare tactics out there and one mentioned says that modular homes could be put in subdivisions if the developer wanted to; that's true. Federal law will allow it. Our standard subdivision regs will allow it. If the Planning Commission board and BOMA decided to go to standard subdivisions and the plan in question was not annexed, the developers can take their projects to the county, and instead of sitting here on Thursday nights, would be sitting in Franklin at their Planning Commission meetings and BOMA meetings. They can go to the county and get a lot more than they can get from this board with the rules and regulations they have now. He has been told by individuals that the county wouldn't put small lots, but the county can go down to 8700 sq. ft. lots in his backyard. Take a look at what has been approved at county level in our town right now and what the town inherited. All he can do is hope that the person is right, that it won't happen in this town. You talk about traffic problems, look at Sunset, county approved subdivisions, two schools your kids and grandkids go to. What

did the county do to the roads over there versus what our board has had the developers do in the town and asked the developers to do when the PUD's come in? Now in finishing, will asking the board to remove PUD's from our zoning ordinances make anything better in our town? Are we putting ourselves in worse shape? He states he has done what he said he would. He still isn't sure of the answers but did ask the board, and promised the people he would ask to consider removing them. He only hopes that what he has said has made sense and is understood and that we can all work together to come to a good solution for what we think is best for the town. He understands that there is going to be a workshop. If there is, he asked the people that are fighting this to be there. Look at the work that has gone into it, the differences between them, ask questions, and find out the true answers as to what is going on. We need to work together and find a solution for this town, and fighting amongst ourselves about what we are going to do and how we are going to grow; instead of fighting we need to work together.

John Robert Jones stated that the only thing that he has seen or heard about Police Chief Paul Rigsby is good. He has heard that he is a young man, dedicated and doing what he can to run his department. Over in Spring Hill they had a real serious situation where a police car hit a teenager. He would like for that not to happen here. We see the fire chief almost every month get up and tell about his training programs going on. The big city police department is losing officers daily from bigger cities offering more money, more benefits, and they are having a tough time keeping a full force. Most of the time smaller towns get the left overs and he'd hate to see us in a bad situation. Williamson County has got, according to Lee Sanders, the codes director, the toughest sign ordinance in the state, yet the developers are abusing that up and down. They are sending crews out on Friday afternoon and littering the roadside with a series of signs. Bent Creek, Silver Stream, Pulte, Beazer, all of them. It is one crew putting the signs up. The Town Engineer should be in charge of this. They go back on Sunday evening close to dark and pull them up. Metro was having such a problem with this that they assigned some codes people to the weekend detail and \$500 per sign per offense; it ceased. The growth has been attributed to the sewer connection. He states that Nolensville was a part of that, along with Metro, Nolensville College Grove Utility District, and Collette Meehan. He indicated all helped bring it in, along with the developers. He stated in November it will be seen how the people really feel about the changes. During his annexation there were 2,212 acres involved. He stated that you cannot find 10 property owners that want to be a part of the town. He says he kept quiet; the newspaper did not cover the trial and that the judge said the town was wrong and it was in the transcript. He said he settled because we paid the money. He has read that the annexation may be deferred. The maps are out there and the goals have been stated for the 20 years. If deferred and we back off it, then he is fed up enough to go back to the court and ask that he be removed from that. The last thing he commented on is how and what basis is used to appoint someone to the planning commission that has only been here since November instead of someone that has known the area for all of their lives.

Willis Wells clarified that the town had nothing to do with the bringing of sewers. He stated that the Nolensville College Grove Utility District was in full command of it. They gave it to Metro.

Bob Notestine stated that there has been a real misconception about the sewer and that our only involvement was comments to Metro.

Gardner Jones from 700 Cromwell Court stated his trade as director of information systems for a marketing and research company. His specialty is in internet technologies. He introduced his new website [www.nolensville.net/blog/](http://www.nolensville.net/blog/)

Linda Moses from 2230 Rocky Springs Rd. stated that she has gotten to know Tommy Dugger this week and liked what she has learned. She has known Larry Felts, not well, but

good enough to admire his whole family and to respect and trust him very much. She stated she is looking forward to an association with them. She admires Mr. Wells, Frank and Larry but doesn't know the rest of them too much but is looking forward to them all getting down to work. She is looking forward to the future.

**Agenda Item V-**

**New Business**

**A. Annexation Plan of Services**

**1. Burkitt Place Area**

Bob Notestine commented that this is the only annexation that is active right now. Burkitt Place is primarily on the Davidson County side of the line, but there is part of it on the Williamson side and they have asked to be annexed. This is what we call "friendly" annexation where the property owners have asked to be brought into the town. Anytime we do an annexation we have to do a plan of service which is an outline of the type of services the town would deliver to that area being annexed. It will need to come before the BOMA but before it comes before the BOMA the Planning Commission has to consider it and recommend it.

Henry Laird stated that it is a little over 32 acres just east of where the current phase of Burkitt Place is; just east of the existing limits and south of the Davidson County. The developers asked to be annexed into the town as they are currently going through Davidson County for part of it and Williamson County for another.

Bob Notestine indicates that the project has been approved by the county. He also discusses the benefits of bringing it into the town by stating it would bring more population into the town. The town would benefit from a tax standpoint because of the houses built would be subject to our adequate facilities taxes. It would follow our codes and sprinkler requirements.

Jimmy Alexander made a motion to approve. Larry Gardner seconded the motion. Motion passed unanimously.

**B. Project Reviews**

**1. Hemrick Family Limited Partnership Warehouse & Storage Facility**

Rich Woodroof introduces the review by stating the location being in the Industrial Park off of Johnson Industrial Drive. It is behind Signs and Graphics and they are developing the space behind that.

Frank Wilson motioned to approve with the condition of grinder pump and revised drawing. Larry Gardener seconded the motion.

Jimmy Alexander brought up the existing situation regarding the parking and it extending out into the right of way.

Rich Woodroof recommended a deferral to review the existing development on the lot. Larry and Frank withdrew their motion to approve with conditions.

Tommy Dugger made a motion to defer. Jimmy Alexander seconded the motion; passed unanimously.

## **2. Revised Final Plat Winterset Woods Section 4A**

Henry Laird stated that Bill Forte had asked that the plat be split into two sections 4A and 4B. They have reviewed it and do not see any problems with it. The bonding would need to be split and set at \$370,000 each.

Tommy Dugger made a motion to approve. Jimmy Alexander seconded the motion.

Open for discussion.

Larry Gardner asked Henry about the curb and gutter section in the development which has already been approved by the county, as we have a standard vertical curb and he would like to suggest that they bring them up to our standard, not necessarily change the concept of them.

Motion approved unanimously.

Jimmy Alexander made a motion to approve with adequate bonds set at \$370,000 for Winterset Woods Section 4A. Matt Happel seconded the motion; passed unanimously.

## **3. Revised Final Plat Winterset Woods Section 4B**

Bob Haines made a motion to approve Section 4B with adequate bonds set at \$370,000. John Boyd seconded the motion; passed unanimously.

## **4. Final PUD Plan Bent Creek Phase 4, Sections 1 & 2**

Rich Woodroof states that this is a section that was deferred last month, and that it has since been reviewed and they have agreed to install a turn lane. In that agreement we have stated that we would like it to have 75 foot of storage in it. If there is a problem with them staying on the property we could allow it to go down to a minimum of 50 foot of storage. He also commented on our allowing in the past the utility easements on corner lots to be 5 foot. They have agreed to go to 10 foot on these. Rich offered to allow in Phase 2 and 3 the 5 foot and all of the remaining Phases at 10 foot. Rich also brought to their attention that there is a road name proposed in the plan as Pleasant Hill Rd. and there is already a road with that name in Williamson County. Eric McNeely stated that has been brought to their attention and they are working with Jenny Irwin at Williamson County Emergency Management. At the time they bring the plat before the commission that will have been addressed. Rich comments about other concerns regarding tying in the turn lane at the Reserve at Bent Creek into the existing Bent Creek so that there would be two ways in and out. He believes the issue would be resolved with Phase 5 giving that connection if Phase 4 and 5 are both approved.

Jimmy Alexander made a motion to approve Final PUD Plan Bent Creek Phase 4, Sections 1 & 2. Tommy Dugger seconded the motion.

Larry Gardner commented on the turn lanes stating he would like to see three 12 foot lanes. Eric McNeely indicated that when he spoke with the Town Engineer they discussed doing a 10 foot widening with transitions and tapers. Eric stated that he believed they are currently 10/11 feet which is the county standard.

Rich Woodroof stated that our advisor, Don Swartz, had recommended the 10 foot lanes as that is what is on the interstate and should be sufficient.

Jimmy Alexander questioned if the traffic impact study indicated whether a storage lane of 50 feet would be adequate. Eric McNeely stated that their traffic study doesn't warrant a turn lane, but that they have made a concession to the town. Their goal is to preserve as many trees as possible by requesting 50 foot storage lanes and less taper length.

Larry Gardner questioned the width of the streets inside the subdivision with the plan showing 22 foot and understands the concept plan was approved at that, but our standard road now is 24 foot and this is one that we adopted and it should be brought up to our current standards.

Bob Notestine commented that any time you have something that was approved and later try to change it poses a tough legal situation. Larry stated that when it was originally approved, it was approved with the condition that they could make changes to the PUD as it went along and since the road standard has been changed to 24 foot he believes we could ask for that to be changed.

Rich commented on what was approved and stated that comment (14) indicates that the Nolensville Planning Commission may review all of the conditions and adjust conditions as necessary. Comment (16) states that since a PUD is flexible, the Nolensville Planning Commission may review the PUD at each phase. Staff feels after speaking with Bob regarding this, that they are vested in what was approved on that concept plan. Bob indicated that the language would need to be reviewed and interpreted.

Tommy Dugger commented that it was his understanding that they could make adjustments to each additional phase as they saw warranted.

Eric McNeely stated they spent several months on putting the plan together and the people in the community liked the plan. He would like to stay with the typical cross section that was approved on the preliminary plan and believes they have vested rights to go to final approval for that typical cross section.

Rich indicated that the developers and he had spoken and that they are open to the concept of in future phases going to our standard concept.

Bob Notestine stated that he reviewed the minutes and it does say that the commission may review the conditions and adjust conditions as necessary, but that there were a specific list of 18 conditions and the road width was not reflected in the conditions. He suggested that perhaps all needed to go back and review the minutes and have a clear understanding of them, but that in a court situation that we would more than likely have to adhere to our original approval as the road width is not mentioned in the conditions.

Larry Gardner made a motion to amend the original motion to include the turn lane with 75 foot if possible but if not, to work with Town Engineer. Bob Haines seconded the motion; motion approved unanimously with Matt Happel and John Boyd recusing themselves.

Larry Gardner wanted to clarify on what was to be used regarding the setback of the garage, either a minimum of 3 ft from front façade of the house or 3 ft from the front plain of the porch.

Rich Woodroof wanted to clarify in our approved conditions, if it has a front façade or a front porch the garage should be set back 3 ft.

Larry Gardner read the definition of a porch which, per Jamie Gross who works in Franklin, is a projection from an outside wall of a dwelling that is covered by a roof and or sidewalk for the purpose of providing shade or shelter from elements. He stated there is a difference between a stoop and a porch. Most of the time a stoop is just a 4x4 landing. If

the house has a stoop it will need to have 3ft behind the front façade which is the front wall of the house. If it has a porch it will need to have 3ft from the front plain of the porch.

Rich stated that we currently have a definition of porch in our zoning ordinance.

Eric McNeely stated that there are currently three builders in Bent Creek and they have asked the builders to go with the spirit and vision of Bent Creek and set the garages back. Most of the builders are doing that, but there are a few in question. He has met with the builder regarding this and he indicated he would be pulling the product from all future phases of Bent Creek and will have him provide it in writing.

Rich Woodroof stated that the 18 conditions should be added to the amendment.

Larry Gardner made a motion to amend with the 18 conditions from the minutes on July 14, 2005. Frank Wilson seconded the motion; motion approved unanimously with Matt Happel and John Boyd recusing themselves.

Original motion as amended to approve Phase 4, Sections 1 & 2; motion approved unanimously with Matt Happel and John Boyd recusing themselves.

#### **5. Final PUD Plan Bent Creek Phase 5**

Larry Gardner made a motion to approve Phase 5 with the 18 conditions from the July 14, 2005 to apply. Jimmy Alexander seconded the motion; motion passed unanimously with Matt Happel and John Boyd recusing themselves.

#### **C. Other Issues**

##### **1. Fireworks Sales**

Roger Lloyd, president of Mid America Distributors, asked that we consider an amendment for temporary use in the currently zoned SR area off of Nolensville Road which is north Nolensville on the west side, to allow for the sale of fireworks. He asked for approval by the planning commission to recommend to the BOMA.

Frank Wilson made a motion to approve. Larry Gardner seconded the motion; motion approved unanimously.

#### **Agenda Item VI- Old Business**

##### **Monthly Bond Report**

Rich Woodroof states with the Monthly Bond Report we currently have \$3,274,769.40 in performance and maintenance bonds throughout the town. Ballenger Farms Section 1 has extended their bond to April 30, 2007. Bent Creek Phase 1 2B and Phase 1 3B are the next ones that will be coming due May 17, 2006, one performance bond for \$46,000 and the other for \$33,000. If the developer proposes to take those to maintenance bonds, as with all of them, they have to get the letter from the design engineer stating all has been installed correctly and the as-builts on it. Once that is done, then a maintenance bond would be recommended, but they have not yet asked for that for those two. The other issue that has come up, after speaking with William Andrews who works with the county and looks over their developments, is that the county has a bond on the Winterset Woods Section 1 which is coming due. They are meeting to discuss this and are recommending a 6 month extension on the bond and turning it over to the Town of Nolensville which will allow us 6 months to look at it.

Matt Happel made a motion to approve. Tommy Dugger seconded the motion; motion approved unanimously.

**Agenda Item VII- Other Business**

Jimmy Alexander commented that at the first of the meeting Larry Felts had mentioned revisiting the Planned Unit Development ordinance and that there has been a lot of discussion from the community, the BOMA, and Planning Commission regarding this and suggested that this time would be a good time to have a workshop and discuss the ordinance.

Tommy Dugger stated that there will be a workshop held on March 30<sup>th</sup>.

Rich Woodroof stated he has spoken with Steve Cates and asked if he would be willing to widen some of his lots if we were willing to give up some of the open space. He said that he would be willing on future phases to consider that if we were open to the situation. Jimmy Alexander stated that he didn't think we could agree to change the ordinance, but perhaps we could amend the ordinance, which will be discussed when we meet regarding the Planned Unit Developments.

Rich stated that when the development was originally done we did not set minimums on the open space. Also, if there is excess open space, we could consider allowing for the excess space to be used for larger lots.

**Agenda Item VIII- Adjournment**

Being no further business to come before the Planning Commission the meeting was adjourned at 8:30 P.M.

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Larry Gardner  
Secretary for the Planning Commission

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Date